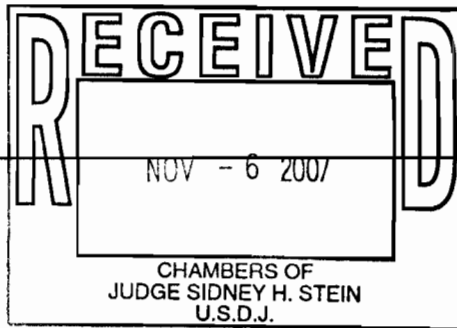




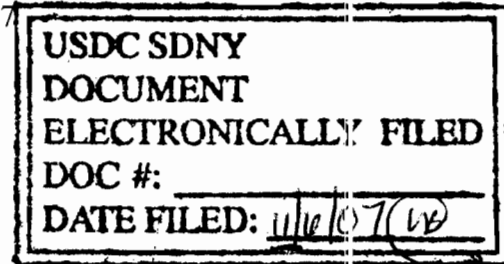
U.S. Department of Justice



United States Attorney
Southern District of New York

The Silvio J. Molloy Building
One Saint Andrew's Plaza
New York, New York 10007

November 6, 2007



BY HAND

The Honorable Sidney H. Stein
United States District Judge
Southern District of New York
Daniel Patrick Moynihan Courthouse
500 Pearl Street
New York, New York 10007

LEAD ENCLOSED

**Re: *United States v. Raphael Rodriguez*
07 Cr 749 (SHS)**

Dear Judge Stein:

The Court previously scheduled the trial in the above-referenced matter to begin on December 3, 2007, although Your Honor noted the possibility of a delay in the start date, should the trial scheduled for the prior week go longer than expected.

I have just learned that one of the police officers – the officer who observed the defendant in possession of the gun – who the Government plans to call will be on vacation the week of December 3, 2007, returning to New York on December 10, 2007. He has informed me that he and his family have already purchased non-refundable airplane tickets for the vacation. The Government expects to present its case-in-chief in one day.

Accordingly, the Government requests a one-week adjournment of trial in order to accommodate the officer's vacation. Because he returns on December 10, 2007, the Government proposes selecting a jury on December 10, 2007, and putting on the Government's evidence beginning on December 11, 2007.

*Trial adjourned to 10 A.M. on
Dec 10; jury to be selected that
date along with opening statements. Evidence presentation
to commence on Dec 11*

SO ORDERED 11/6/07

SIDNEY H. STEIN
U.S.D.J.

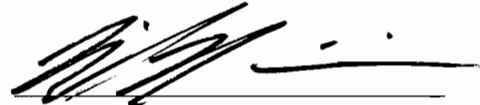
Hon. Sidney H. Stein
November 6, 2007
Page 2 of 2

I have spoken with John J. Byrnes, counsel for Mr. Rodriguez, who consents to this adjournment.

Very truly yours,

MICHAEL J. GARCIA
United States Attorney

By:

A handwritten signature in black ink, appearing to read "M. D. Maimin", written over a horizontal line.

Michael D. Maimin
Assistant United States Attorney
Southern District of New York
(212) 637-2238

cc: John J. Byrnes, Esq.